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STATE FOR EB/TPP/IPE AND SCA/CEN  
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TAGS: [ECIN](#) [ETTC](#) [ECON](#) [ETRD](#) [PGOV](#) [EAID](#) [TI](#)  
SUBJECT: TAJIKISTAN - SPECIAL 301 REVIEW

REF: STATE 9475

11. SUMMARY: Post recommends that Tajikistan remain on the Special 301 Watch List. Tajikistan has taken some steps over the past year to improve protection of intellectual property, but much work remains to be done. End Summary.

12. Advances in the past year included:

-- passage of a Law on Geographical Indications, and a Law on Trade Marks and Service Marks. According to the Deputy Director of the National Patent Information Center at the Ministry of Economic Development and Trade, this law has several articles which comply with TRIPS requirements.

-- In October President Rahmon signed a Government Resolution to establish a Commission on coordination of the activities against violations of intellectual property rights in Tajikistan. The Commission had not become active as of February 2008.

-- In early 2008 the Tajik MFA sent a diplomatic note to the United Nations confirming Tajikistan's ratification of the Rome Convention (1961). The Tajik Parliament had approved this decision in 2006.

-- In February 2008 the Government began interministerial deliberations on joining the Agreement on Author's Rights (the "Internet" Agreement of 1996) which is a part of the Berne Convention.

13. However, in 2007 Tajikistan did not make any changes in the Criminal Code to make penalties for IPR violations more severe, to provide greater investigative powers for police in IPR-related cases, or to permit confiscation and destruction of equipment used to produce pirated material. The government did not amend the Customs Code to provide "ex-officio" authority to customs officials to suspend the release of suspected infringing materials at the border. Lack of technical expertise and resources prevents the Customs Committee from creating a data base of all registered entities who seek protection at the border based on intellectual property rights. Tajikistan did not adhere to the Geneva phonograms convention, despite assurances in early 2007 that it would do so. There were few reported seizures of pirated DVDs and CDs. In these cases the shops selling the pirated goods were back in business within a short time. There were no known convictions for IPR violations, although the Ministry of Interior assured the embassy that criminal cases were in process.

14. U.S. assistance is supporting Tajikistan's defense of intellectual property. The USAID "Regional Trade Liberalization and Customs Project" assists Tajikistan in its efforts to join the World Trade Organization, an important part of which is bringing its IPR rules and regulations into compliance with TRIPS.

15. Comment: Tajikistan has a long way to go to meet international standards of IPR protection, both legislatively and in practice. Corruption, lack of resources in law enforcement agencies, and absence of a culture of rule of law, all limit Tajikistan's ability to protect IPR. Legal and economic reforms come slowly in Tajikistan. Post will continue to engage with the Government to help them make progress in this area. End Comment.